

REMARKS

Disposition of Claims:

Claims 1-7, 9-21, 24 and 25 are all the claims pending in the application and have been rejected.

Arguments:

In the Advisory Action (page 2, second paragraph), the examiner mentions, with reference to Figure 5, that the valve and pump assemblies are merely intermediate components between the tubing and the sampling, and that the outlet, tube and samplers are still connected.

Applicant agrees that all components of Conkle are connected and that tubing does run, at least in part, between the inlet 30 and flow sensing orifice 46. Conkle, however, does not describe "conducting an upstream measurement of a flow rate through the at least one sample inlet using an extension means...."

The examiner's second argument (page 2, paragraph 3) is that the "short length of Tygon tubing 26' can be called an "extension means". Applicant submits that tubing 26 is no more than a "connection means" and we cannot see how it is used to extend the distance between components. In any event, tubing 26 is not located between a flow rate measuring component and the sample inlet upstream of the sample inlet.

Finally, Applicant respectfully submits that neither of the references (i.e., Krajewski et al. or Conkle et al.) are directed to a method or apparatus for testing a particle detection system. Instead, the primary reference, Krajewski et al., is simply directed to calibrating an air sampler to

control the flow rate thereof (and as part of the apparatus includes a flow sensor disposed upstream and in line with the air sampler), and Conkle et al. is simply directed to a portable air sampler having a flow rate control system. Thus, it is respectfully submitted that neither of these references are particular pertinent to the invention as claimed, including that which is claimed in new claims 26-29.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Brian W. Hannon/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Brian W. Hannon
Registration No. 32,778

Date: May 14, 2010